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THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Dmitri Vallerveich TATARINOV,
 Petitioner,
 vs.
 Superior Court of the State of California,
 County of San Diego
 Respondent.

Civil No. 07cv2033-N(NLS)

USICE No. A72 779 308

**MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT
 PETITIONER'S MOTION TO AMEND
 WRIT OF HABEAS CORPUS UNDER 28
 U.S.C. §2241**

Pursuant to this Court's authority under Federal Rules of Civil Procedure 19 and 21, Petitioner request leave from this Court to add (1) Office of the Chief Counsel Department of Homeland Security; (2) U.S. Attorney, Southern District; and (3) Immigration and Customs Enforcement Detention and Removal Center San Diego as a Respondents in this case. The addition of these Respondents will grant the court jurisdiction over the party who holds Petitioner in custody and therefore will be subject to an injunctive order.

Under Federal Rule of Civil Procedure 19, "[a] person . . . shall be joined as a party in the action if . . . in the person's absence complete relief cannot be accorded among those already parties." Fed. R. Civ. P. 19(a). "If the person has not been so joined, the court shall order that the person be made a party." Id. (emphasis added). Under Federal Rule of Civil Procedure 21, "[p]arties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just." Fed. R. Civ. P. 21. It is well-established that this Court has the authority to add or dismiss parties under Rules 19 and 21. See

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1 *Mullaney v. Anderson*, 342 U.S. 415, 416-17 (1952) (applying Rule 21 on appeal to add parties);
2 *Balgowan v. New Jersey*, 115 F.3d 214, 216-17 (3rd Cir. 1997) (applying Rule 21 on appeal to
3 add parties after Third Circuit had issued its opinion) (citing *Newman-Green, Inc. v. Alfonzo-*
4 *Larrain*, 490 U.S. 826, 832-35 (1989)); *Turtur v. Rothschild Registry Int'l*, 26 F.3d 304, 308-9
5 (2nd Cir. 1994) (applying Rules 19 and 21 on appeal).

6 CONCLUSION

7 For the reasons stated, this Court should grant Petitioner's motion to add (1) Office of the
8 Chief Counsel Department of Homeland Security; (2) U.S. Attorney, Southern District; and (3)
9 Immigration and Customs Enforcement Detention and Removal Center San Diego as a
10 Respondents in this case.

11 Respectfully submitted,

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13 Dated this November 14, 2007

s/Patricia Lynn Jacks

14 PATRICIA LYNN JACKS
15 Attorney for Petitioner
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